

REMARKS

Entry of the present amendment and favorable reconsideration and allowance of this application are respectfully requested.

By way of the amendment instructions above, the subject matter of claims 14 and 15 has been incorporated into the amended version of independent claim 13 and, as such, claims 14 and 15 have been cancelled. In addition, claim 13 has been amended so as to emphasize the functionality and guided interrelationship of the first and second pins and the coring reamer and coring bit, respectively.

Thus, claims 13 and 16-17 remain pending in this application for which favorable reconsideration and allowance are requested.

The only issue remaining to be resolved in this application is the Examiner's rejection of prior claims 13-15 as allegedly being "obvious" (35 USC §103(a)), and hence unpatentable, from Bobic et al (USP 5,919,196) in view of Litwak et al (USP 5,092,572).¹ As will become evident from the discussion which follows, all claims now pending herein are patentably distinguishable over the applied Bobic et al and Litwak et al patents.

Applicants suggest that the applied Bobic et al patent does not disclose at all the structural and/or functional attributes of the herein claimed invention. Thus, the Bobic et al patent does not disclose at least one first elongate pin adapted to be inserted into the osteochondral allograft, at least one second elongate pin adapted to be inserted into the condylar defect site of the patient condyle. Moreover, there is no disclosure or suggestion in Bobic et al that a coring reamer could be provided which is adapted to *receive and be guided by the at least one first pin* inserted into said condylar defect site to remove a portion of the condylar defect to a predetermined depth and form a cavity

¹ The amendment instructions above whereby the subject matter of claims 14 and 15 was each incorporated into independent claim 13 renders moot the rejections advanced under 35 USC §102(b) based separately on Shapiro (USP 4,565,192) and Petersen (USP 5,129,908).

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site in the patient condyle, and/or that a coring bit could be provided which is adapted to *receive and be guided by the at least one second pin* inserted into said osteochondral allograft.

That Litwak et al may disclose a clamp per se is irrelevant therefore. Thus, even if the Litwak et al clamp were provided with the structural components of Bobic et al, the present invention would not result since there would be no means to establish substantial parallel alignment between the at least one first and second pins. Thus, no disclosure or suggestion is evident in either Bobic et al or Litwak et al of means for coring the allograft to form a transplantable allograft plug which has substantially the same orientation as the cavity site by virtue of the substantial parallel alignment of the at least one first and second pins inserted into said condylar defect site and the osteochondral allograft, respectively, as is claimed herein.

As such, the combination of Bobic et al and Litwak et al is inappropriate to reject the presently pending claims under 35 USC §103(a). Allowance of all such pending claims is therefore solicited.

Respectfully submitted,

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